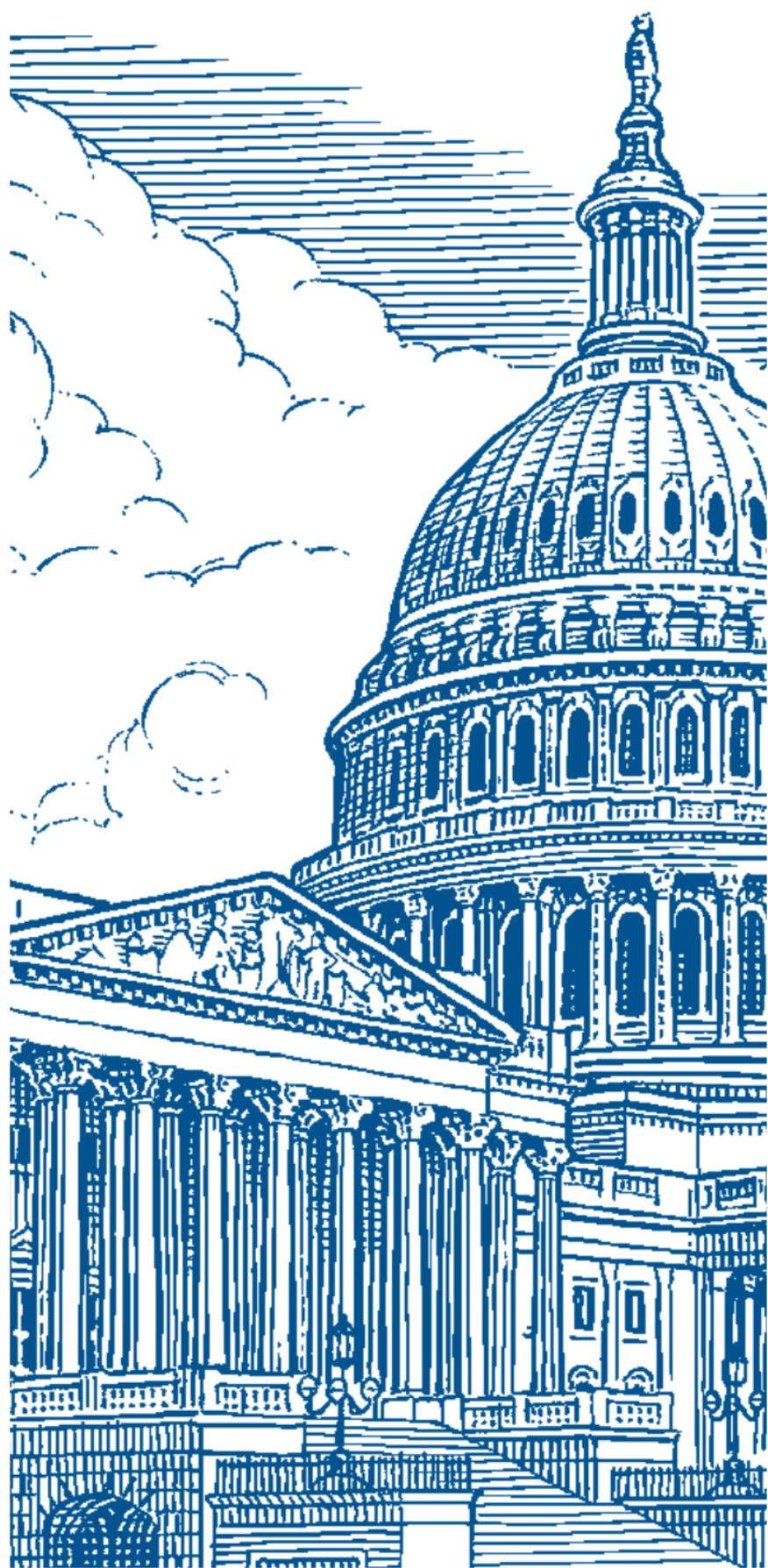


Legal Opportunities at the Federal Election Commission



FEDERAL ELECTION COMMISSION
Washington, DC 20463

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Vice Chairman:

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May 2000

The Federal Election Commission (FEC) performs the unique role of regulating the financial aspects of political campaigns for Federal office.

It also administers the public financing of presidential campaigns. The Office of the General Counsel (OGC) supports this critical role by directing the FEC's enforcement activities, by interpreting the Federal Election Campaign Act (FECA), and by advising the Commission on legal matters brought before it. Commission attorneys have the opportunity to work with cases and issues which directly impact the American political process. Thus, they play a part in developing the body of campaign finance law on a nationwide basis.

The FEC has exclusive jurisdiction over civil enforcement of the FECA found in Title 2 of the United States Code and the Public Financing statutes found in Chapters 95 and 96 of the Internal Revenue Code. Attorneys in OGC work on enforcement, litigation and other assignments dealing with election law. Enforcement cases are initiated by an individual or group filing a formal notarized complaint, or by the FEC itself, based upon information obtained during the course of carrying out its supervisory responsibilities. Unlike other government agencies which must look to the Department of Justice for representation in court, the FEC has been given responsibility for litigating its own cases in Federal district and appellate courts, and its attorneys work with the Solicitor General in representing the Commission in the Supreme Court. In cases involving publicly funded candidates, the FEC's authority to conduct its own litigation extends to Supreme Court litigation. Attorneys in OGC also draft

regulations, advisory opinions and other legal memoranda which interpret the FECA. While the OGC staff is sensitive to its role in the interpretation and enforcement of the FECA, the work environment is team oriented, friendly and relaxed. OGC hires attorneys who have a commitment to public service and an interest in the political process. Excellent analytical, writing and verbal skills are required. We encourage applications from third year law students (attorneys already admitted to practice are considered for lateral hires). We also hire second year law students for summer clerk positions (on occasion we hire first year law students). We are an Equal Opportunity Employer.

The FEC is located at 999 E Street, N.W., in Washington, D.C. across the street from the FBI and next to Ford's Theater.

Organization of the Office of General Counsel

OGC is divided into four functional areas: (1) Enforcement, (2) Litigation, (3) Policy, and (4) Public Financing, Ethics, and Special Projects. As of March 31, 2000, there are 114 permanent employees in OGC. Of those, 69 are attorneys and 19 are paralegals. Many of the attorneys are women and members of minority groups.

New law clerks and attorneys are immediately assigned to a team within one of the areas noted above. Staff may transfer to a different area at the discretion of the General Counsel. This mobility allows attorneys to become familiar with the work performed in all areas of the office and assists them in finding the area that is most suitable for them.

Enforcement Area

Enforcement is the largest single function of the OGC. The Associate General Counsel for Enforcement oversees the work of four enforcement teams, each headed by an Assistant General Counsel. Approximately half of the attorneys in OGC work in the enforcement area.

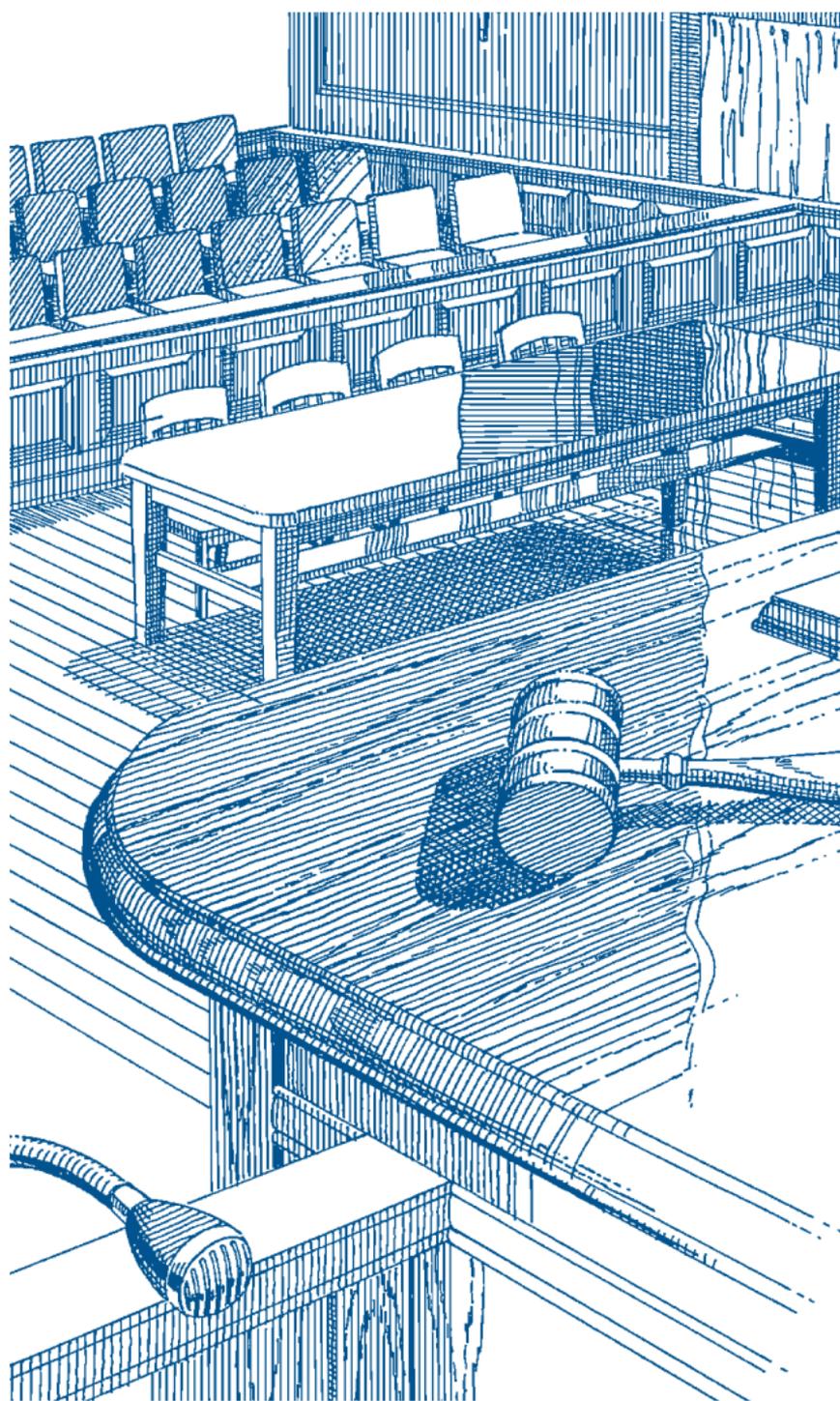
Staff attorneys on enforcement shoulder substantial responsibility for the prosecution of the cases assigned to them. For example, they write briefs and make oral presentations to the Commission in support of recommended actions. In conjunction with FEC investigators, they conduct investigations which include interviews, depositions and preparation of subpoenas for document production. The FEC is primarily an investigative agency and settles most cases by negotiation and conciliation rather than through litigation. Accordingly, Commission attorneys negotiate the resolution of their cases directly with counsel for respondents. While enforcement matters are confidential during their pendency, once closed, they are made public.

Litigation Area

Due to the requirement for independence, the FEC is not a client agency of the Department of Justice and is not represented by the Department in legal proceedings. Consequently, OGC is responsible for most offensive and defensive litigation involving the FEC in the U.S. District Courts, and the U.S. Courts of Appeals; and works with the Solicitor General in representing the Commission in the U.S. Supreme Court. The District Court Litigation Team is headed by an Assistant General Counsel who reports to the Associate General Counsel for Litigation. The Associate General Counsel directly supervises the work of the Appellate Litigation Team. Litigation attorneys are often chosen from attorneys already

on staff who have worked in other areas of the office and are familiar with the intricacies of the FECA.

The Commission brings enforcement suits in the U.S. District Courts when matters are not satisfactorily resolved through the administrative enforcement process. The Commission also sues to enforce administrative subpoenas. Defensive litigation includes suits contesting Commission dismissals of administrative complaints filed under the administrative enforcement process; petitions for review of Commission decisions in



administration of the presidential public funding program; and civil suits challenging the constitutionality of provisions of the FECA.

Policy Area

Attorneys assigned to the Policy Area write advisory opinions and regulations, and review various FECA and Non-FECA issues. They analyze Commission publications in advance of their release and prepare memoranda, letters, and other written materials providing appropriate legal advice to Commission staff, other government offices and the public. There are three policy teams under the supervision of the Associate General Counsel for Policy.

Advisory Opinions

In assisting candidates, committees and others to comply with the Act and regulations, the Commission issues advisory opinions (AOs) drafted by OGC attorneys who apply a general rule of law as stated in the Act or the Commission's regulations to a specific factual situation. An AO provides legal protection to persons who, in good faith, act in accordance with the provisions or findings of the opinion. The AO team considers each request. A draft AO is presented to the Commission in public session during a regularly scheduled Commission meeting. All AOs must be approved by at least four Commissioners.

Regulations

Attorneys assigned to the Regulations Team draft new and revised rules dealing primarily with campaign finance issues. These projects involve areas as diverse as publicly financed Presidential campaigns, corporate speech, and bank loans to candidates. While most questions concern interpretation of the campaign finance law, some Constitutional issues arise as well, principally First Amendment free speech considerations. Regu-

lations assignments provide an opportunity for attorneys to delve into a particular aspect of the law and help shape its future course.

Administrative Law

The Administrative Law Team provides the Agency with legal support in those areas which do not directly involve the FECA. For example, the Team advises the FEC's Freedom of Information Act Officer, its Contracting Officer and its Personnel Officer. They advise the Commissioners in matters concerning the Sunshine Act and the Privacy Act. The Administrative Law Team represents the Agency in matters brought before the Equal Employment Opportunity Commission and the Merit Systems Protection Board. The team also provides legal support to the FEC Inspector General's office.

Public Financing, Ethics, and Special Projects

The administration of the public financing programs for presidential primary and general election candidates and national nominating conventions is one of the FEC's major responsibilities. The Public Financing, Ethics, and Special Projects Area ("PFESP") in the Office of General Counsel provides legal guidance to the Commission on the administration of the presidential public financing statutes. There are two teams in the area, each headed by an Assistant General Counsel, which function under the supervision of the Associate General Counsel for PFESP. Attorneys assigned to PFESP address legal issues such as candidates' eligibility and use of public funds and the repayment of those public funds. They work closely with the Commission's Audit Division on the mandatory audits of publicly funded committees and on audits for cause of committees that do not receive public funding.

A significant part of PFESP's workload involves investigation of enforcement matters involving presidential campaigns, as well as other political committees, that are related to or arise out of audits. In processing these matters, staff attorneys draft reports and other legal memoranda, present the General Counsel's recommendations in formal Commission meetings, and conduct administrative discovery. Staff attorneys negotiate the resolution of cases directly with counsel for respondents. Handling these matters requires coordination with the OGC Enforcement and Litigation sections.

PFESP staff are also assigned other special projects. For example, PFESP staff assist the General Counsel in fulfilling his duties as the Commission's Designated Agency Ethics Official and administering the Commission's Ethics in Government Act program. Staff may also be assigned to review debt settlement plans and administrative termination requests submitted by terminating committees.



Hiring

OGC hires recent law school graduates and experienced attorneys each year. Second and third year law students are interviewed during the Fall at campuses and consortia throughout the country. OGC advertises for experienced attorneys in legal publications and at government agencies. Candidates are interviewed at the FEC's offices in Washington, D.C.

OGC's hiring standards require strong legal skills including issue identification, legal analysis, and advocacy. Writing skills are essential because OGC recommendations for proposed action are initially presented in writing to the Commission and become part of the public record of the Commission's consideration. Verbal skills are necessary in conducting investigations and negotiations and because the Commission makes its decisions in formal meetings where staff attorneys present and defend OGC's recommendations. Participation in moot court, work on a law journal and clinical experience are additional factors for consideration. We also look for previous work experience in law firms, other government agencies, or a judicial clerkship. While past experience in campaigns is considered relevant, Federal law and FEC regulations preclude current staff from being actively involved in campaigns as the work in OGC necessitates complete objectivity and impartiality on the part of its attorneys.

Law school graduates are appointed as law clerks and given 14 months to pass the bar exam. When they are sworn into the bar, their appointment is immediately converted to a permanent attorney position. There is a 12 month probationary period for all new employees in OGC.

Summer Law Clerks

OGC hires approximately 4-5 law clerks every summer. Second year law students are interviewed at law schools and consortia in the Fall. Other applicants, including first year students who send us their resumes, are also considered on an occasional basis. Summer law clerks immediately get involved in enforcement cases and often participate in making recommendations and presentations to the Commission regarding those cases. Summer law clerks are also assigned to other areas of the office, including litigation, the drafting of regulations and the review of presidential committee audits, based on office need. Law students are considered active members of the staff and we attempt to have them work on substantive matters.

Compensation and Other Benefits

Salaries and pay increases for attorneys and law students are established by the Office of Personnel Management and are applied government wide. The starting salaries paid in the Office of General Counsel are listed below:

GS-6: First Year Law Students

GS-7: Second Year Law Students

GS-11: Law School Graduates

GS-12/13/14: Attorneys with at least one or more years of professional work experience

An attorney's performance is evaluated once a year by the supervisor. Employees receive increases in salary through step increases within each grade. GS-11 and 12 attorneys are consid-



ered for promotions to the next grade after a year of strong performance. GS-13 attorneys are considered for promotion to the GS-14 level after a year and a half of excellent performance. Assistant and Associate General Counsels have supervisory responsibilities. Assistant General Counsels serve at the GS-15 level and the Associate General Counsels are part of the Senior Pay Level System.

Work Hours

At a minimum, attorneys in OGC work a 40 hour week. Most non-supervisory employees are eligible to participate in a compressed work week schedule where out of an 80 hour pay period, eight days consist of nine work hours each, one day consists of eight work hours, and one day is an “off-day.” All employees have some flexibility with setting hours for a regular 8 hour daily schedule. Part-time employment is considered on a case-by-case basis for non-supervisory employees.

Training

A two-part orientation program is presented for new employees. Key employees in different Divisions of the Commission participate in the orientation. The presentations are followed by a visit to the Divisions where new employees can observe and talk to staff members. In addition, OGC has an internal training program for new legal staff. This program offers basic training in campaign finance law. It also provides an introduction to enforcement procedures.

A variety of outside training courses are available to OGC employees. The Legal Education Institute at the Department of Justice offers many courses which our legal staff may attend. The FEC may also pay for Continuing Legal Education courses and attendance at job related seminars and conferences.

Information Systems

Computer Network

All employees in OGC currently have a personal computer and printer at their desk. The Data Systems Division at the FEC trains OGC staff and supports the local area network which connects all divisions of the Commission. All staff are trained in word processing, electronic mail, and accessing the FEC's extensive database that contains information from all reports filed by federal candidates and committees during an election cycle. Staff members are able to access the FEC database, Westlaw and the Internet from the personal computer at their desk. OGC has a number of laptop computers which are available to staff to take home or on travel when necessary.

Law Library

The FEC legal library has a basic federal law collection of over 10,000 volumes. The collection includes materials on campaign finance reform, election law, and current political activity. The library is a government document depository and maintains subscriptions to the Federal Register, the Congressional Record, and the Code of Federal Regulations. The library features an extensive article file on campaign finance and election law as well as a vertical file of FEC case law.

The reference collection is geared towards identification of organizations and individuals that are participants in funding political parties, committees and candidates. The library subscribes to information databases including WESTLAW, DIALOG, Lexis/Nexis, Dunn & Bradstreet, and OCLC. The library also acts as a conduit for information entering the FEC databases on advisory opinions and enforcement proceedings.

Benefits

During the first three years of government service, employees receive 13 days of annual leave a year. After three years, annual leave is increased to 20 days and is further increased to 26 days after 15 years. All employees are entitled to 13 days of sick leave a year.

Health and life insurance policies are offered and the government pays for a portion of the premiums. Retirement programs and a thrift savings plan similar to a “401(k)” plan are also available.

The FEC provides to its employees a partial subsidy for their commuting expense on approved public mass transit systems. Currently, the Commission provides a monthly tax-free allowance to employees who participate in the Employee Transit Benefit Program.



Interested Applicants:

Submit a resume, a law school transcript, a writing sample and a cover letter to:

Office of General Counsel

Federal Election Commission

999 E Street, N.W.

Washington, D.C. 20463

(202) 694-1650

